

Exhibit 8

JOHN E. MOESER Confidential
Keith Fischer, et al. vs GEICO

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1	1
2 IN THE UNITED STATES DISTRICT COURT	2 APPPEARANCES:
3 FOR THE EASTERN DISTRICT OF NEW YORK	3
4	4 OUTTEN & GOLDEN LLP
5 KEITH FISCHER, MICHAEL O'SULLIVAN,)	5 Attorneys for Plaintiffs
6 JOHN MOESER, LOUIS PIA, THOMAS)	6 685 Third Avenue
7 BARDEN, CONSTANCE MANGAN, and)	7 New York, New York 10017
8 CHARISE JONES, individually and on)	8 BY: MICHAEL J. SCIMONE, ESQ.
9 behalf of all others similarly)	9 SABINE JEAN, ESQ.
10 situated,)	10
11)	11
12 Plaintiffs,) Case No.	12 DUANE MORRIS LLP
13) 2:23 Civ. 2848	13 Attorneys for Defendant
14 vs.) (GRB)(ARL)	14 1540 Broadway
15)	15 New York, New York 10036
16 GOVERNMENT EMPLOYEES INSURANCE)	16 BY: MARIA CACERES-BONEAU, ESQ.
17 COMPANY d/b/a GEICO,)	17 GREGORY SLOTNICK, ESQ.
18)	18 - and -
19 Defendant.)	19 190 South LaSalle Street
20 -----)	20 Chicago, Illinois 60603
21	21 BY: TIFFANY E. ALBERTY, ESQ. (Via Zoom)
22	22
23 * CONTAINS CONFIDENTIAL PORTIONS *	23 ALSO PRESENT:
24 VIDEOTAPED DEPOSITION OF JOHN E. MOESER	24 JONATHAN JUAREZ, Videographer
25 Garden City, New York	25 SAMANTHA JACOBSON, GEICO (Via Zoom)
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1	1 J. Moeser
2	2 THE VIDEOGRAPHER: We are now on the
3	3 record. My name is Jonathan Juarez. I am a
4	4 legal videographer for Esquire.
5	5 Today's date is August 2nd, 2024, and
6	6 the time is 11:04 a.m. This deposition is
7	7 taking place at 1225 Franklin Avenue,
8	8 Garden City, New York, in the matter of
9	9 Keith Fischer versus Government Employees
10	10 Insurance Company. The deponent is John
11	11 Moeser.
12	12 Counsel, please, identify yourselves
13	13 for the record.
14	14 MS. CACERES-BONEAU: Maria
15	15 Caceres-Boneau on behalf of GEICO.
16	16 MR. SLOTNICK: Greg Slotnick on behalf
17	17 of GEICO as well.
18	18 MR. SCIMONE: Michael Scimone with
19	19 Outten & Golden on behalf of plaintiffs.
20	20 MS. JEAN: Sabine Jean, Outten &
21	21 Golden, on behalf of plaintiffs.
22	22 THE VIDEOGRAPHER: The court reporter
23	23 is Kristin Koch and will now swear in the
24	24 witness.
25	25 * * *

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1	J. Moeser	1	J. Moeser
2	A. I believe it was a swimming pool	2	there?
3	company that I started working for and then --	3	A. It was about a month before I got the
4	yeah, swimming pool company.	4	job with GEICO, which was in October 2003, so it
5	Q. And after that?	5	would have been either August or September.
6	A. After that I decided to start a	6	Q. Okay. And then you mentioned you
7	business installing swimming pools, which didn't	7	started working at GEICO in October 2003; is that
8	last, and then when I discontinued that I got --	8	right?
9	worked for Trans America Airlines at J -- Kennedy	9	A. No. Two thousand -- I'm sorry. Did I
10	Airport.	10	say -- it's 2006 I started with GEICO.
11	Q. What were you doing there?	11	Q. Okay. 2006. So then Safeco, you were
12	A. I was a ramp agent.	12	with Safeco from approximately 2003 through August
13	Q. And then -- do you recall around what	13	13 of 2006?
14	years that was?	14	A. I worked for Safeco for about two
15	A. Maybe 1980.	15	15 years. I don't know the exact time when I
16	Q. Okay. And then after working there,	16	16 started, but I know I worked with him for around
17	where did you go next?	17	17 two years.
18	A. I was working at my friend's bar for a	18	Q. Okay. And then you started at GEICO
19	brief time, he had a bar in West Babylon, and then	19	October of 2006?
20	I went to the Police Department.	20	A. I believe it was October 3rd, yeah.
21	Q. What year was it that you started at	21	Q. Okay. And then your last day with
22	the Police Department?	22	GEICO was what?
23	A. January of '82, 1982.	23	A. April 30th, 2021.
24	Q. And you worked there through what year	24	Q. Are you currently employed?
25	did you mention earlier?	25	A. No.
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1	J. Moeser	1	J. Moeser
2	A. February of 2002.	2	Q. So have you been retired since you left
3	Q. So '82 through 2002. And what did you	3	3 GEICO?
4	do with the Police Department?	4	A. Well, I'm not working, no.
5	A. Started out as a patrolman, worked in	5	Q. Do you do any part-time work?
6	various commands, got into the detective bureau	6	A. No.
7	and became a detective, moved up the rank in	7	Q. What is the source of your income?
8	detective, and then retired.	8	MR. SCIMONE: Objection.
9	Q. What Police Department was this?	9	A. Pension. I'm sorry. Pension and my
10	A. New York City.	10	Social Security.
11	Q. And following, I guess, January 2002,	11	Q. What titles did you hold at GEICO
12	what did you do next, where did you go work?	12	starting from the very beginning?
13	A. I had taken some time off and then I	13	A. I was considered a senior field
14	started working for a private investigations firm	14	investigator.
15	that were actually handling insurance work, and	15	Q. And that's the role that you were hired
16	then I stopped doing that and decided to start a	16	for?
17	private investigations firm. We did that for	17	A. Yes.
18	about a year and a half. We then broke up the	18	Q. And when you left GEICO, is that the
19	firm and I got the job with Safeco Insurance, and	19	role that you still had?
20	then from there I went to GEICO insurance.	20	A. Yes.
21	Q. And what years were you working for	21	Q. Did GEICO have different geographic
22	Safeco Insurance?	22	regions to which employees were assigned?
23	A. I believe it was sometime in 2003, I	23	A. Throughout the country or --
24	think.	24	Q. Yes.
25	Q. Do you recall when you stopped working	25	A. Yes.

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Page 33		Page 35
1 J. Moeser	2 Q. What region were you in?	1 J. Moeser
3 A. Region 2.	4 Q. And was that the region you were in	2 time that you would start your day?
5 throughout the duration with GEICO?	6 A. Yes.	3 MR. SCIMONE: Objection.
7 Q. Now, you described yourself as a senior	8 field investigator; right?	4 A. A set time? I normally would start
9 A. That's the title that they gave me,	10 yes.	5 around 8 a.m., but, you know, we also had what
11 Q. What were your duties and	12 responsibilities as a senior field investigator?	6 they called flexible hours.
13 A. To investigate claims that had	14 suspicions for allegations of fraud.	7 Q. What does flexible hours mean?
15 Q. Was there ever a time that the title	16 may have been a little different where maybe it	8 A. It means that you could start your day
17 was senior outside security investigator instead	18 of senior field security investigator?	9 at a different time or -- start your day at a
19 A. It could have been, yes, because I was	20 a field investigator, so that's -- I believe what	10 different time.
21 you are saying is that that was considered outside	22 compared to the inside investigators, yeah.	11 Q. So if you start your day at a different
23 Q. Okay. And so the requirements of the	24 position are the same, they are outside?	12 time, then do you end your day at a different
25 MR. SCIMONE: Objection.		13 time?
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1 J. Moeser	2 Q. Between. Sorry. I am going to	1 J. Moeser
3 rephrase that.	4 Senior field security investigator and	2 Q. Kiligin?
5 a senior outside security investigator would have	6 the same -- be the same role?	3 A. Yeah.
7 A. I am not familiar with the first term	8 that you said, but if they were field	4 Q. And who was the manager?
9 investigators, yes.	10 Q. Okay. And the first term is the senior	5 A. During 2016?
11 outside -- senior outside security investigator is	12 the one that you are not familiar with the term;	6 Q. Yes.
13 right?	14 A. Not really, no. No.	7 A. I don't know when Mike DeGrocco left,
15 Q. And the term that you are familiar with	16 is senior field security investigator; right?	8 but my last manager was Bill Newport.
17 A. Yes.	18 Q. Okay. So you said you investigated	9 Q. And prior to Bill Newport, who was it?
19 potential fraudulent activity; correct?	20 A. Suspicion of fraudulent activity, yes.	10 A. Mike DeGrocco.
21 Q. What -- what were your hours?	22 A. Well, that's -- I don't know how to	11 Q. Okay. Did you ever work in an office
23 define that, because when I first started, my	24 hours were different than when I left.	12 while you were at GEICO?
25 Q. What were your -- did you have a set		13 A. You mean at the Woodbury office or --
		14 Q. Yes.
		15 A. No. I mean, occasionally I went there
		16 for meetings and different training sessions, but
		17 I didn't have like a desk there.
		18 Q. Okay. Did you ever have an inside role
		19 as an investigator?
		20 A. No.
		21 Q. Did you ever have a desk role as an
		22 investigator?
		23 A. Well, you mean as a desk investigator?
		24 Q. Correct.
		25 A. No.

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1	J. Moeser	1	J. Moeser
2	A. February 4th, 2020. I mean, I'm sorry,	2	Q. Did you know that you were required to
3	May 4th, 2020, correct?	3	report any off-the-clock work that you performed
4	Q. Yes.	4	to a supervisor?
5	A. Okay.	5	MR. SCIMONE: Objection.
6	Q. Do you recall the contents of that	6	A. Was I required to report off-the-clock
7	training?	7	work?
8	A. No. I could just assume it had	8	Q. Yes.
9	something to do with Workday.	9	A. Well, yeah. Yeah.
10	Q. Okay.	10	Q. Did you understand that if you felt
11	A. Oh, my God, I failed it.	11	that you were not being paid for all of your hours
12	Q. And then the next row is 2020	12	worked, that you should contact your supervisor?
13	Policies & Acknowledgments training. Do you see	13	MR. SCIMONE: Objection.
14	that?	14	A. Yes.
15	A. Yes.	15	Q. Did you understand that you could also
16	Q. And do you recall the contents of that	16	contact human resources if you -- if you felt you
17	training?	17	did not receive all of the hours you worked?
18	A. No, not the -- no.	18	MR. SCIMONE: Objection.
19	Q. Okay. The second to the last row says	19	A. Yes.
20	SIU Knowledge Test 2020. That was completed on	20	Q. Did you ever make such a report with
21	December 18, 2020. Do you see that?	21	your supervisor?
22	A. Yes.	22	MR. SCIMONE: Objection.
23	Q. And do you recall that test?	23	A. Regarding?
24	A. No.	24	Q. That you -- okay. Did you ever make a
25	Q. And the last row there is the 2021	25	report with your supervisor that you did not
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1	J. Moeser	1	J. Moeser
2	Policies & Acknowledgments training. Do you	2	receive pay for all of the hours you worked?
3	recall that training?	3	A. Yes.
4	A. Not the contents of it, no.	4	Q. Who was that supervisor?
5	Q. And it says that you completed it;	5	A. It would have been several of them.
6	correct?	6	There would have been April Neyland, Rich Kiligin,
7	A. Yes. It doesn't say pass, though.	7	my manager, Bill Newport, another supervisor Tony
8	Q. Now, based on the policy that we read	8	Mazzotti.
9	out of the handbook that was marked as Exhibit 4,	9	Q. Okay. Let's go through -- and did you
10	so we are back to this here, based on that policy,	10	ever report that you felt like you did not receive
11	do you understand that you were required to	11	pay for all of your hours worked to human
12	accurately record your hours worked?	12	resources?
13	MR. SCIMONE: Objection.	13	A. After 2016?
14	A. Yes.	14	Q. Correct, yes.
15	Q. Did you understand that managers and	15	A. No.
16	supervisors were not allowed to tell you to work	16	Q. Now, you mentioned April Neyland, Rich
17	off the clock?	17	Kiligin, Bill Newport and Tony Mazzotti as
18	MR. SCIMONE: Objection.	18	individuals to whom you reported. Were all of
19	A. Did I understand -- say that again,	19	these after -- 2016 or after?
20	please. That managers and supervisors --	20	A. I don't know the time frame with Tony
21	Q. Did you understand that managers and	21	Mazzotti, but I know the other three would have
22	supervisors were not allowed to tell you to work	22	been.
23	off the clock?	23	Q. Let's start with Bill Newport. What
24	A. They were not allowed to tell me that?	24	did you report to Bill Newport?
25	No.	25	A. That I, along with everybody else that

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1	J. Moeser	1	J. Moeser
2	I knew of, were working more hours than what they	2	people outside of the team that you were involved
3	were documenting.	3	in as well?
4	Q. Who are the "everybody else"?	4	MR. SCIMONE: Objection.
5	A. Everybody else within the SIU teams.	5	A. It could have been, yes.
6	Q. Can you be more specific about that?	6	Q. So I guess to rephrase it, was it just
7	A. It was people who were attending	7	Bill Newport and the staged loss referral team in
8	meetings who were field investigators at the time	8	the skip meeting?
9	that were making their concerns about getting more	9	A. I don't recall. I know there was
10	cases assigned to them and not -- and working more	10	several other individuals in this meeting with me.
11	hours than what they were documenting.	11	What teams they were in, I don't know. They could
12	Q. Were -- when you discussed this with	12	have been in the enhanced damage team or -- I
13	Bill Newport, was this in a group setting or was	13	don't believe they were in the staged loss team,
14	it one on one?	14	but I could be wrong, but there was maybe two or
15	A. It was what they called a skip-level	15	three other investigators in this meeting with me
16	meeting and there were other investigators with	16	and I don't know what team he -- what other teams
17	me.	17	they were in. I don't -- I don't know if they
18	Q. What is -- what is a skip-level	18	were all under April's supervision, because not
19	meeting?	19	only did she supervise people in the staged loss
20	A. It's a meeting directly with your	20	team, but she supervised people in other teams, so
21	manager and you skip over the supervisor. The	21	I don't -- I don't know what teams they were in.
22	supervisor is not present.	22	Q. How many people did April supervise?
23	Q. How many people attend a skip-level	23	A. It varied. I mean, it could have been
24	meeting?	24	anywhere from eight to ten. She -- you know,
25	A. It could have been an individual, it	25	during some certain periods she was also
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1	J. Moeser	1	J. Moeser
2	could be in a team. At that particular time it	2	supervising inside staff people, I believe, along
3	was members that were in the team that I was	3	with field team people.
4	working in.	4	Q. And do you recall the names of the
5	Q. What team was that?	5	people that were in this meeting with Bill Newport
6	A. I don't remember which team that was.	6	6 and you?
7	That was -- could have been in the enhanced damage	7	A. No, I don't -- I believe one of them
8	team or the staged -- I don't recall what team I	8	may have been a Mike Lazos, but I don't recall the
9	was in.	9	other people.
10	Q. So when you made this complaint to Bill	10	Q. Was it -- what did you tell Bill
11	Newport, it was -- let me rephrase that.	11	Newport?
12	So when you discussed this with Bill	12	A. I told him that not only myself, but it
13	Newport, it was at a skip meeting involving either	13	seems to be that most people are working more
14	the staged loss referral team or the enhanced	14	hours than what they are submitting, which is
15	damage referral team; is that right?	15	reflected on their evaluations, and I felt it was
16	A. Was I making a complaint about the team	16	unfair that, you know, with the amount of work
17	or --	17	that you were giving us that we were forced to
18	Q. No. When you -- when you discussed the	18	work more hours than what they are documenting,
19	hours that you were working, was -- that was	19	and I told him that there is no secret to this, I
20	during a skip-level meeting that involved either	20	mean, you could very easily look this up, and I
21	the staged loss referral team or the enhanced	21	told him, I said, just look at their case
22	damage referral team; is that right?	22	reporting system. Everything is time stamped.
23	A. What do you mean by involved? I was in	23	And I said this is -- this is well-known amongst
24	the team at the time, on one of those teams.	24	everybody in meetings that we had, everybody
25	Q. Okay. So the skip-level meeting had	25	within the field. So, you know, I felt that I was

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1	J. Moeser	1	J. Moeser
2	being fairly judged by the hours that I was	2	feel for what they do, and on some of those
3	submitting and not being compensated for it, and I	3	ride-alongs that we did this subject would come up
4	felt that I had to work these hours in order to	4	as far as the amount of cases that we are being
5	keep -- meet standards with their evaluation	5	assigned, the increase on them and the amount of
6	system.	6	hours it takes to do these cases, which obviously
7	Q. Now, you worked a flex schedule; right?	7	if you are giving me more work to do within a time
8	A. Yes.	8	period, one of two things are gonna happen: I'm
9	Q. So looking at a time stamp doesn't	9	either gonna work more, or it's gonna reflect on
10	accurately reflect the hours that you worked in a	10	my quality of my investigation.
11	day, though?	11	Q. How many times did you have these --
12	MR. SCIMONE: Objection.	12	this type of one-on-one conversation with Bill
13	A. Yes, it does.	13	Newport about this?
14	Q. But you were able to complete tasks	14	A. I don't recall how many times. I mean,
15	when you felt like it; right?	15	I think we did several ride-alongs together and I
16	MR. SCIMONE: Objection.	16	don't know if we discussed this on every
17	A. What do you mean when I felt like it?	17	ride-along, but I think I probably had, you know,
18	Q. Because you had flexible time. Were	18	maybe four, maybe five ride-alongs with him, maybe
19	you able to complete tasks at different times of	19	three, in that area.
20	the day?	20	Q. And what was Bill Newport's response to
21	A. I did complete tasks within different	21	you?
22	times of the day, but that doesn't mean I took any	22	A. Not much. They were gonna look into it
23	breaks during or I started later. Even if I	23	and basically changed the subject.
24	started at 7:30 or 8:00 in the morning, there were	24	Q. Did he tell you that you needed to
25	times that I worked until 7 or 8:00 at night	25	report all your hours you worked?
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1	J. Moeser	1	J. Moeser
2	continually.	2	A. I don't remember in the individual
3	Q. Were there times that you started after	3	meetings, but it was -- I believe -- I don't know
4	8 in the morning?	4	if Bill mentioned that, but in group meetings that
5	A. Occasionally. I don't recall	5	was mentioned, and we were also told that it would
6	particular dates or anything, but there may have	6	reflect negatively on our ratings because of the
7	been times that I started after 8.	7	amount of cases that they felt that you should
8	Q. Do you recall starting after 9?	8	handle within a certain period of time -- within a
9	A. I don't recall that, no. No.	9	month's time.
10	Q. So you mentioned this meeting with Bill	10	Q. But you were told in the meeting that
11	Newport. Was there any other time that you had a	11	you needed to report your time accurately; right?
12	discussion with Bill Newport about this issue?	12	MR. SCIMONE: Objection.
13	A. Personal with him?	13	A. I don't recall that, no.
14	Q. Just with Bill Newport. It could be in	14	MS. CACERES-BONEAU: Can we read
15	another group or it could be personally.	15	back -- can we move back up the testimony
16	A. No, there --	16	from a sentence before, the prior response to
17	Q. My question is was there any other	17	the prior question.
18	discussion that you had with Bill Newport on a	18	Q. So the prior question I asked was: Did
19	separate occasion?	19	he tell you that you needed to report all of your
20	A. Yes, both in a group and individual.	20	hours worked.
21	Q. So tell me about the individual.	21	And then your response was: I don't
22	A. Well, as Bill became our manager, he	22	remember in the individual meetings, but it was --
23	wasn't familiar with what SIU investigators did,	23	I believe -- I don't know if Bill mentioned that,
24	this is what he expressed, and that he wanted to	24	but in group meetings that was mentioned.
25	do ride-alongs with field investigators to get a	25	So again, I said did he tell you that

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1 J. Moeser		1 J. Moeser
2 you needed to report all of your hours worked, and		2 no, I don't know.
3 your response was: I don't remember in the		3 Q. So you mentioned Bill Newport. You
4 individual meetings, but it was -- I believe -- I		4 mentioned there being -- you mentioned one
5 don't know if Bill mentioned that, but in group		5 meeting, but you said there was more than --
6 meetings. So are you changing that testimony		6 sorry. With respect to Bill Newport, you had
7 then?		7 one-on-one conversations, but you also had how
8 A. No. I mean, what was discussed in		8 many group meetings where you all discussed your
9 group meetings was that it would negatively		9 hours worked?
10 reflect on your evaluation based on the hours that		10 A. I don't -- I don't know the number of
11 you were working in a given month compared to the		11 group meetings we had, but we would have periodic
12 cases that they were assigning you, and it was		12 training sessions, meetings, and the subject would
13 voiced by not only myself, but several other		13 come up often and either would be non-addressed by
14 members in these meetings that we are working way		14 supervisors attending this meeting, or they would
15 past the time frame and not submitting them. Now,		15 just tell us that this is something that we are
16 at that point the meeting subject -- the meeting		16 looking into as far as the amount of cases that
17 changed and we got off that subject, so I don't		17 you are getting, and basically other times we were
18 know if that's what -- there is a misunderstanding		18 told they can't control the amount of cases that
19 here, but I don't ever, you know, remember that		19 we are being assigned, because a lot of this is
20 conversation with him.		20 coming from home office that wanted to increase
21 Q. So you don't remember Bill Newport ever		21 the ratio of how many cases get assigned to SIU in
22 telling you that you needed to accurately enter		22 a given week or time frame.
23 your time?		23 Q. And you mentioned Rich Kiligin.
24 A. He may have, yes, but I don't remember		24 A. Kiligin, correct.
25 it, though.		25 Q. And was he one of your supervisors?
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1 J. Moeser		1 J. Moeser
2 Q. Okay. But you said something about it		2 A. For a time, yes.
3 negatively affecting your ratings. What do you		3 Q. Was he a supervisor from -- at any time
4 mean by that?		4 period between 2016 and your last day of
5 A. Meaning that from what -- how it was		5 employment?
6 explained to me is that you are based on the		6 A. Yes.
7 amount of hours worked in a month, which was, I		7 Q. And when you -- what did you discuss
8 believe, 155 hours. Now, they felt that you		8 with Rich Kiligin?
9 should be able to handle X amount of cases within		9 A. Other than standard training sessions
10 that time frame, and they never explained to us		10 that he would hold, again, the amount of cases
11 how they came up with that ratio, however, when		11 that were being assigned, the increased amount of
12 you increased the cases over periods of time,		12 cases being assigned, and that, you know, people
13 well, what was told to us is that if you submit		13 are working more hours than what they are
14 for overtime, you are gonna be docked -- well, not		14 documenting.
15 docked, but you are gonna be judged on more hours		15 Q. When you say the number of cases that
16 worked. So for an example, if you put in for 20		16 were being assigned, you said that -- earlier you
17 hours of overtime in a given month, well, now you		17 represented that you had about 13 to 17 cases when
18 are rated on 170 hours, 175 hours instead of 155		18 you left GEICO?
19 hours, which would negatively reflect on your		19 A. That was in the staged loss team.
20 rating in that part of your rating, because you		20 Q. And what was Rich Kiligin's response?
21 are doing in their eyes the same amount of work in		21 A. Not much. Got off the subject very
22 more hours.		22 quickly and basically said there is nothing he
23 Q. Do you know of anyone whose rating was		23 could do and that, you know, I guess we would
24 negatively affected that way?		24 discuss this at another time, and I felt that that
25 A. Oh, I don't -- I couldn't -- I don't --		25 meant like at general meetings.

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1 J. Moeser	2 A. Yeah, it would just be people in 3 Region 2. 4 Q. Do you recall who attended, the names 5 of special investigators who attended these 6 meetings? 7 A. I don't recall all of them. I mean, 8 there could have been anywhere from 30 to 40 9 investigators attending this. It depended on 10 their schedules and stuff. But again, I know that 11 there was roll call taken and this was all 12 scheduled previous because people had to make 13 arrangements in their schedules to attend this 14 meeting, so there would be e-mails generated back 15 and forth that we are having an SIU meeting on 16 this particular date at this location. So how 17 many people actually showed up, it could have been 18 anywhere from, like I said here, 35 to 40 19 investigators. As far as the names of all of 20 them, I couldn't tell you all the names. I know 21 generally that, you know, people listed in this 22 Complaint were there, along with other people. 23 Q. And a team meeting, where would that be 24 held? 25 A. Well, if it was during the time -- the	1 J. Moeser 2 A. How do I form a basis on it? Just from 3 general knowledge that, you know, if I was -- 4 wanted to submit for overtime, that if I did 5 submit for overtime, that I would get a call from 6 her or correspondence from her asking me what the 7 overtime was submitted for, and I would have to 8 explain it to her. 9 Q. So any time you worked above 38.75 10 hours, you requested approval from your 11 supervisor? 12 MR. SCIMONE: Objection. 13 A. I didn't request it. She would get 14 that sent to her in Workday. 15 Q. Okay. And it states: "April 16 Neyland" -- second sentence -- "my supervisor, 17 frequently reiterated to me and other Special 18 Investigators that hours above 38.75 to complete 19 regular case work would not be approved." 20 A. Uh-huh. 21 Q. When did she -- when did this 22 conversation take place? 23 A. Again, I don't know specific dates, but 24 there were times that I did speak to her over the 25 phone and she had told me that submitting overtime
1 J. Moeser 2 same session as a group meeting, then we would 3 have just split up into different teams in the 4 same room and it would be a meeting going on with 5 just the supervisor and their team. If it was -- 6 if the supervisor decided to have a team meeting, 7 it could be at a location where she wanted or he 8 wanted, it could be in the Woodbury office, it 9 could be in the Melville office or it could be in 10 the Bronx location when I was working for Rich. 11 Q. I am going to go back to Exhibit 6 and 12 we are going to look at your Declaration of John 13 Moeser that's Exhibit 6. It says in paragraph 12, 14 which is on page 4 -- 15 A. Okay. 16 Q. Tell me when you have completed reading 17 the paragraph. 18 (Document review.) 19 A. Okay. 20 Q. So it starts with: "GEICO required me 21 to seek approval from my supervisor to submit any 22 hours worked above 38.75." 23 How do you form the basis for saying 24 that it was a requirement? 25 MR. SCIMONE: Objection.	1 J. Moeser 2 for regular work on a case, and I tried to have 3 her define what regular work meant, and then it 4 turned into, well, administrative work, and I went 5 from there and said what do you mean by 6 administrative work. She said work that basically 7 you are doing on a case that doesn't involve any 8 type of Examinations Under Oath or any type of, 9 you know -- in other words, just for case 10 reporting, what I was told was that they, and I 11 don't know who "they" are, said that you are not 12 supposed to report overtime for that type of work, 13 and it was kind of cloudy when I asked her to 14 explain it, but again, that's how it was explained 15 to me and, you know, we kind of got off the 16 subject kind of quickly. 17 Q. You mentioned Examinations Under Oath. 18 Could you work over 38.75 hours if you were 19 conducting an Examination Under Oath? 20 A. Well, I don't know how that would come 21 about, unless there was travel time involved, you 22 know, because the Examination Under Oaths were 23 normally done prior to 5:00, for me, prior to 5:00 24 at night, so I don't know how that -- now, I had 25 to do summaries of them and also work on	
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1	J. Moeser	1	J. Moeser
2	additional cases that I got assigned that day when	2	A. The report that I am referring to there
3	I returned back to my home office.	3	is the -- I guess the e-mail that I sent her with
4	Q. So if you knew you were starting -- if	4	the list of cases that I was submitting the
5	you knew you were going to have an Examination	5	overtime for.
6	Under Oath that ended at 5:00, then would you	6	Q. And you state here your hours were
7	start your day later?	7	approved, your overtime -- sorry -- your overtime
8	A. No. No.	8	hours were approved after submitting this report?
9	MR. SCIMONE: I think this might be a	9	A. Yes.
10	good time for a bathroom break. We have been	10	Q. Why did you believe they were -- you
11	going about a little over an hour and a half	11	were discouraged from reporting them if your hours
12	since lunch.	12	were approved?
13	MS. CACERES-BONEAU: Okay.	13	A. Because that's what she told me after
14	MR. SCIMONE: Is that okay?	14	when I had the phone conversation with her, that
15	MS. CACERES-BONEAU: Yes, that's fine.	15	you don't submit overtime for office work.
16	THE VIDEOGRAPHER: The time right now	16	Q. What is office work?
17	is 2:52 p.m. and we are off the record.	17	A. Well, I think you are gonna need to ask
18	(Recess was taken from 2:52 to 3:06.)	18	her that, because that's exactly what I asked, and
19	THE VIDEOGRAPHER: The time right now	19	office work, from what I assumed, was just report
20	is 3:06 p.m. and we are back on the record.	20	writing or doing database work or not exactly
21	BY MS. CACERES-BONEAU:	21	going out into the field, and, you know, there was
22	Q. Hi, Mr. Moeser. I am looking back at	22	times that -- and I believe -- I don't know if
23	what we have marked as Exhibit 6, which is a	23	this was the time that we were working after
24	Declaration of John Moeser. It's the last	24	COVID, so everything was in house, so to say, so I
25	document we were looking at, and we had left off	25	didn't know what you meant by office work, you
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1	J. Moeser	1	J. Moeser
2	on page 4 and we had formerly been discussing	2	know, or administrative work as I heard also.
3	paragraph 12. Now we are going to look at	3	Q. You said this was after COVID and
4	paragraph 13. You can let me know when you have	4	everything was in house. So when did you send --
5	finished reading that paragraph.	5	when do you think this took place?
6	(Document review.)	6	A. I don't know if this particular time
7	A. Okay.	7	took place after COVID, but again, when COVID
8	Q. Okay. So you reference an e-mail in	8	occurred and we were restricted into doing office
9	here. When did that e-mail exchange take place?	9	work, we were doing our EUOs over the telephone,
10	A. I don't know the date of it, but it	10	so is that considered office work or -- it was
11	would have been after I had submitted for overtime	11	never really explained as far as since there was
12	at one point.	12	no travel time involved at that point, what do you
13	Q. And you mentioned a supervisor. Which	13	consider office work or administrative work
14	supervisor was this e-mail exchange with?	14	compared to when we were in the field. Now, this
15	A. That would have been April Neyland.	15	particular time, I don't know if this was during
16	Q. Was anyone else copied on the e-mail	16	COVID or before COVID.
17	exchange?	17	Q. Did you complain to anyone that you
18	A. I don't believe so, no. No.	18	felt discouraged from reporting overtime?
19	Q. When did you submit this report?	19	A. Anyone as far as management or anyone
20	A. Which report? The overtime report?	20	in general?
21	Q. Well, it says here: "She instructed me	21	Q. It can be anyone in general.
22	to submit a list of reasons for why these hours	22	A. Oh, yeah. I mean, we talked about it
23	should have been approved. I completed the report	23	amongst ourselves a lot.
24	as requested, and my overtime hours approved, but	24	Q. Who -- who is "we"?
25	I was again discouraged from reporting them."	25	A. Well, again, I mean, there would have

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1 J. Moeser	2 A. Yes.	1 J. Moeser
3 Q. And you say in paragraph 14 that -- the	2 of impacts on a case, however, a lot of cases	2 never warranted impacts, and not that you would be
4 second sentence you state: "These performance	3 downgraded, but you wouldn't get a positive or a	4 higher rating on that case.
5 metrics and ratings changed constantly, but to the	5	5
6 best of my recollection GEICO generally evaluated	6 Q. And when you have an impact, you	6
7 me based on how many hours it took me to complete	7 mentioned it was being able to help make a	7
8 a case task, how often I made an entry in a case	8 determination on the fraud?	8
9 report, how many days I took to close a case, and	9 A. No, it would be help to make a	9
10 how many cases I completed within a month."	10 determination on how the claims examiner or the	10
11 Were these the only metrics that were	11 management wanted to handle -- make a decision as	11
12 used to evaluate your performance at GEICO?	12 far as the claim concerned.	12
13 A. No. There were others.	13 Q. And what would be an example where	13
14 Q. What were the others?	14 there isn't an impact?	14
15 A. There were the other -- the amount of	15 A. If I didn't have any really what they	15
16 cases I'm being assigned, the quality of my case,	16 considered positive findings. It could be -- I	16
17 whether or not it was a face-to-face -- and what I	17 would have to see the categories again that they	17
18 mean by face-to-face, in-person contact with	18 printed out that they had that I could tell you	18
19 somebody, or whether -- and that would be	19 what would be a neg- -- or no impact. For	19
20 considered a level 1. Level 2 would mean that you	20 instance, if you were doing a case where you were	20
21 didn't do any field work on the case. That one	21 a newly insured person with GEICO and you had a	21
22 used to also go into your metrics. Not -- not so	22 vehicle that was not new, a used vehicle, and you	22
23 much the type of case that you had, but whether or	23 would put that on your policy without collision	23
24 not you got an impact on the case, and that was	24 damage, and then two days before you put collision	24
25 very difficult with staged loss cases, because you	25 on your car, two days before you had an accident	25
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1 J. Moeser	1 J. Moeser	1
2 may take an impact on it. That doesn't mean it's	2 you put collision on your car, so obviously the	2
3 gonna impact the claim.	3 suspicion is that you added collision after you	3
4 When I was in the property damage or	4 had the accident. So there could be a time when	4
5 the enhanced damage team, metrics were also	5 you produced records to me that verified that.	5
6 applied as far as if I took an impact, in other	6 You either had let's say a CARCO report done or	6
7 words, if I had a positive -- positive findings	7 you had photos of the car or something to that	7
8 for the claims examiners to make a determination	8 effect. Well, then basically that wouldn't impact	8
9 on or the auto damage adjuster, they would	9 the claim any, so I wouldn't take an impact on	9
10 consider that an impact, and there was a whole	10 that. And then they had impacts, like I stated	10
11 category of what you can take positive impacts on.	11 before, where they let you do underwriting	11
12 Q. You answered my next question, which	12 referrals, but then they changed that, and it got	12
13 was going to be what is an impact, so I appreciate	13 more complicated to take an impact for an	13
14 it.	14 underwriting referral. You had to make a	14
15 A. It's -- it's -- they had a list of	15 significant impact on an underwriting decision.	15
16 everything -- you could take an impact for an	16 How would I know that? I don't work in	16
17 underwriting referral. In other words, during the	17 underwriting. So you would make the referral and	17
18 course if I found out that you didn't live at this	18 there was subcategories of it that you could or	18
19 certain location and I was submitted an	19 could not take an impact on. And it got kind of	19
20 underwriting referral that I would submit to	20 complicated there, you know, in -- in the last few	20
21 underwriting through my -- I think it was my -- my	21 years, and this was all dictated by people from	21
22 SICM system, my case reporting SICM. I would	22 our home office and stuff like that.	22
23 get -- sorry. I would get a credit for that	23 Q. When you say your home office --	23
24 impact and you were judged on that. So, you know,	24 A. GEICO's home office.	24
25 they made it almost like your goal is to get a lot	25 Q. Do you mean nationwide or do you mean	25

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1	J. Moeser	1	J. Moeser
2	just Region 2?	2	instead of an annual basis, but I remember them
3	A. No, nationwide.	3	doing away with case life, but that was shortly
4	Q. As far as you mentioned the impact, how	4	before I left.
5	about were you -- did you have event data recorder	5	Q. Was there a record system where you
6	equipment?	6	would enter every task that you completed for a
7	A. Not me, no. Other investigators did.	7	case?
8	Q. Was file quality part of your	8	A. A record system? Yeah. That was
9	performance metrics?	9	called the SICM system.
10	A. File quality? Yes.	10	Q. And did it record every task that you
11	Q. How about audit results?	11	did for every part of your investigation?
12	A. I believe so, yes. Yeah.	12	A. Yes, every time I entered into it.
13	Q. What did they look for in an audit?	13	That was our case reporting system.
14	A. Again, that changed. There -- there	14	Q. What would you enter into it?
15	was a booklet that they gave you, and I remember	15	A. Basically everything I did, you know,
16	this, it had to be 7 or 8 pages big, of all the	16	from the start, from the case assessment all the
17	dowgrades that they would consider on an audit or	17	way down to my closing summary.
18	the positive that they would do on an audit, and	18	Q. Did you enter that contemporaneously as
19	they could downgrade you for something as simple	19	you were -- as you were completing those tasks?
20	as, you know, the wording that you used. That's	20	A. Yes.
21	how ridiculous it got. I mean, you know, and it's	21	Q. So when you would go for, say, a scene
22	all semantics as far as, you know, you know, I	22	canvass, you would immediately enter that note or
23	went there or I traveled there. Well, what	23	whatever it was that you -- how -- explain to me
24	difference does it make? You went there. But	24	how you would enter that scene canvass onto SICM.
25	they would downgrade you because you didn't use	25	A. Well, I don't know what you mean by
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1	J. Moeser	1	J. Moeser
2	the right wording. You know, if you went to	2	immediately, because you couldn't do it while you
3	interview somebody and, you know, you decided	3	were in the field unless you sat there with your
4	later on that you didn't need to interview	4	laptop, which I don't know too many people are
5	somebody but you didn't document that properly,	5	gonna do that, but how I did it and other people
6	they would downgrade you for that, or, you know,	6	may have done it differently, but SICM, which was
7	if your investigation was, I guess, in their eyes	7	the -- I think it was an acronym for the Special
8	good, they would give you a rating on it. I don't	8	Investigations Case Management system, you could
9	know how they actually came up with that	9	open up a field and actually type in what you were
10	calculation, but it was never really explained	10	doing there, but the print was so small and didn't
11	thoroughly to not me or anybody else that I	11	have a spell check and I decided not to do that,
12	remember asking the questions about that.	12	so I would open up my own Word program and I would
13	Q. Did you -- were there specific time	13	keep that case running, and when I came back from
14	limits on tasks that you had to complete?	14	like your example from doing a canvass, I would
15	A. Yeah.	15	come back to my home office and type it into the
16	Q. Can you give me some examples?	16	Word program and then copy and paste it into the
17	A. Time limits would be case life. There	17	SICM, because you could alter -- not alter, but
18	was times that I -- yeah, I mean, my cases at that	18	you could edit a Word program a lot easier than in
19	time were judged on case life. And I believe	19	SICM.
20	right before I left, I don't know if it was a few	20	Q. And did you enter that into SICM on the
21	months before I left, they changed the system	21	same day or could you enter it on the next day?
22	again and they did away with the case life on a	22	A. Yeah, you could enter it in the next
23	case and they got -- and they actually got into a	23	day, but it would be time stamped for that day.
24	whole other thing as far as how they evaluate	24	So then -- one -- I'm glad you brought that --
25	individuals, it was done on a semi-annual basis	25	another downgrade was that when they looked into

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1	J. Moeser		1	-----I N D E X-----	
2	produced in the case.		2		
3	MS. CACERES-BONEAU: Okay.		3	WITNESS	EXAMINATION BY PAGE
4	THE VIDEOGRAPHER: The time right now		4	JOHN E. MOESER	MS. CACERES-BONEAU 5, 258, 274
5	is 6:35 p.m. and we are off the record.		5		MR. SCIMONE 236, 273
6	(Time noted: 6:35 p.m.)		6		
7			7	-----EXHIBITS-----	
8			8		
9	-----		9	MOESER	PAGE LINE
10	JOHN E. MOESER		10	Exhibit 1	
11			11	Letter dated November 17, 2016, Bates stamped P00000502.....	14 4
12			12	Exhibit 2	
13	Subscribed and sworn to before me		13	Letter dated March 12, 2018, Bates stamped P00000416 through P00000420....	14 22
14	this day of 2024.		14	Exhibit 3	
15			15	Revised Amended Notice of Deposition of John Moeser.....	16 8
16	-----		16	Exhibit 4	
17			17	Human Resources Associate Handbook, Bates stamped G000028 through G000043..	79 8
18			18	Exhibit 5	
19			19	Document Produced Natively, spreadsheet Bates stamped G004289.....	83 19
20			20	Exhibit 6	
21			21	Plaintiff John Moeser's Responses to the Court's Interrogatories and Declaration of John Moeser.....	111 24
22			22	Exhibit 7	
23			23	Plaintiff John Moeser's Responses and Objections to Defendant's First Set of Interrogatories.....	116 25
24			25		
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1	C E R T I F I C A T E		1	-----EXHIBITS-----	
2			2		
3			3	MOESER	PAGE LINE
4	STATE OF NEW YORK)		4		
5) ss.:		5	Exhibit 8	
6	COUNTY OF NASSAU)		6	Second Amended Collective and Class Action Complaint.....	195 14
7			7	-----REQUESTS-----	
8	I, KRISTIN KOCH, a Notary Public		8		
9	within and for the State of New York, do		9	Page 276 Videos of the policy review and acknowledgment trainings	
10	hereby certify:		10		
11	That JOHN E. MOESER, the witness		11	Calendar entries reflecting skip-level meetings	
12	whose deposition is hereinbefore set forth,		12	Any records that Bill Newport may have made of skip-level meetings at which the topics of hours and workload were discussed	
13	was duly sworn by me and that such		13		
14	deposition is a true record of the		14	Documents and policies reflecting performance metrics including a seven-to eight-page booklet of audits and what kinds of things would result in negative audit ratings	
15	testimony given by such witness.		15		
16	I further certify that I am not		16	With respect to Exhibit 5, the underlying documents or data giving rise to these time stamp entries	
17	related to any of the parties to this		17		
18	action by blood or marriage; and that I am		18		
19	in no way interested in the outcome of this		19		
20	matter.		20		
21	IN WITNESS WHEREOF, I have hereunto		21		
22	set my hand this 8th day of August, 2024.		22		
23			23		
24	KRISTIN KOCH, RPR, RMR, CRR		24		
25			25		